



Land and Water Management Division

Since the mid-1970's, resources that exist at the interface between land and water have been protected by programs in the Land and Water Management Division (LWMD).



These programs are based on several state laws enacted between 1955 and 1989 which are now codified as the following parts of the Natural Resources and Environmental Protection Act of 1994:

Part 31 – Floodplain Management

Part 301 – Inland Lakes and Streams

Part 303 – Wetlands Protection

Part 315 – Dam Safety

Part 323 – Shorelands Protection and Management

Part 325 – Great Lakes Submerged Lands

Part 353 – Sand Dune Protection and Management



Permit Program

LWMD's permit program combines multiple state and federal authorizations under one “joint” permit application. Not only does this joint permit process provide authorization under all statutes administered by LWMD, it typically carries with it the following authorizations, at no additional cost to the applicant:

- Section 404 of the Federal Clean Water Act (CWA)**
- Water Quality Certification (Section 401 CWA)**
- Coastal Zone Consistency Certification**
- Coordination with endangered species programs**
- Coordination with the federal historic preservation program**



Permit Program, cont'd

In other states an applicant must seek these various authorizations on their own, from both state and federal agencies. In addition, this often requires payment for each process separately.

In Michigan, a permit application to impact a floodplain, an inland lake or river, and a wetland are only charged the single highest fee for all of the activities requested while also providing this “joint” authorization.



Other LWMD Activities

While much of the focus is on permitting, it is only a portion of the Division's responsibilities in administering these programs. Other efforts include:

- Education and outreach to the public
- Compliance and enforcement
- Technical assistance to applicants
- Protecting public health and safety
- Promoting sustainable community growth
- Enhancing tourism and business development
- Assisting in the protection of fish and wildlife critical habitats

Purpose of Today's Meeting

- Discuss the current budget situation
- Identify actions taken to date
- Identify LWMD achievements, in spite of these funding challenges
- Describe the impacts should adequate funding not be realized



Current Budget Situation

In fiscal year 2010, the LWMD is facing a budget shortfall of approximately \$3.2 million. This structural deficit is the result of several factors.

- A 30% reduction in discretionary program revenue since 2002.
- Major statutory fees have not been increased for ten years or more (The Consumer Price Index rose 32 – 39% since the last fee increase).
- Increased assessments for administrative overhead and information technology costs.



Current Budget Situation cont'd

- Federal funding has declined or remained level for several years. In FY2010, federal funding for the Division's compliance and enforcement staff will be depleted.
- In 2007 & 2008, LWMD faced federal and state limitations on the ability to spend existing federal funding.
- Several limited and "one time" fixes from other funding sources are no longer available.



Fiscal Year 2008 Funding Sources

- General Funds – 70%*
- Federal – 17%
- Dept of Transportation (MOU) – 8%
- Permit Fee Revenue – 4%
- Other DEQ/DNR – 1%

* Note the increase in general fund support was received by giving up permit fee authorization, therefore no program funding increase was realized.

Actions Taken

- Implemented LWMD Workload Reduction Plan
- Value Stream Mapping of the permit process, with stakeholder involvement
- Formed an internal work group to evaluate additional activities for expedited permit processing
- Temporarily reassigned staff from permit fee or general fund activities into federally funded activities
- No work effort in the environmental areas program

Actions Taken cont'd

- Numerous staff vacancies remain unfilled
- Recommended elimination of the marina operating program
- Delayed computer software upgrades
- Implemented administrative efficiencies



Other Program Areas with Inadequate Resources

- Technical Assistance to the Regulated Community
- Compliance inspections (including dam safety)
- Enforcement
- Public outreach
- Training and equipment available to staff
- Lost program coordination staff in the High-Risk Erosion and Inland Lakes and Streams programs



Accomplishments Achieved Despite Budget Issues

- Updated the State-wide Wetlands Inventory
- Developed a Wetland Mitigation Banking Program with 11 banks authorized for 500 acres with 5 more banks pending.
- Worked to have a statutory amendment enacted to allow the issuance of general permits and expanded use of expedited permits.
- Decreased the dam failure rate by about 90% since the 1980's.
- Provided technical assistance for 15 different watershed projects to include voluntary wetland restoration and protection in support of local efforts to improve water quality.



Accomplishments Achieved Despite Budget Issues cont'd

- Staff achieved voluntary site restoration for 375 violations and after-the-fact permits for an additional 285 violations in FY 2008.
- Digitization of conservation easements for easy staff access. There are 1460+ easements protecting over 20,000 acres of wetlands.
- 5713 permit actions were taken in FY 2008, only 2.4% were denied. 678 acres of wetlands were requested to be impacted, only 434 were approved.
- Increased use of Geographic Information System (GIS) technology, making data more user friendly.
- US EPA issued a Section 404 conditional reauthorization of Michigan's program.



What Happens Without Adequate Funding?

Without long term, stable funding, the LWMD will be forced to eliminate and take reductions in several program areas.

- Eliminate the High Risk Erosion program
- Eliminate the Dam Safety program
- Eliminate the Wetlands Protection program (authority will revert back to the federal government)
- Continued limited response to property owner complaints and ability to follow through with compliance actions.

What Happens Without Adequate Funding? cont'd

- Inability to comply with Auditor General findings related to data management and revenue control.
- Due to software instability, data losses could occur which will cripple reporting, querying and permitting capabilities. Without properly functioning databases, statutory time frames will not be met, thus resulting in lost revenue and longer permit processing times.
- Continued reliance on contract staff who require yearly training, program education and further administrative burdens.
- The long term environmental resource impacts due to this reduced program implementation are immeasurable, and often permanent.



Who Wins With Functional Land and Water Management Programs?

- Fishing and Hunting Enthusiasts
- Recreational Users (boaters, bird watchers, etc.)
- Waterfront Property Owners
- Natural Resources
- Public Health & Safety
- Water Quality
- Tourism and the Economy
- Permit applicants (Developers, industry, local units of government and individual home owners)